

**DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS**

1700 K STREET  
SACRAMENTO, CA 95814-4037  
TDD (916) 445-1942  
(916) 322-7012

**ADP BULLETIN**

<b>Title</b>  Substance Abuse Prevention and Treatment (SAPT) Block Grant Human Immunodeficiency Virus (HIV) Set-Aside Expenditure Requirements		<b>Issue Date:</b> 7-23-04 <b>Expiration Date:</b>	<b>Issue No.</b>  04-12
<b>Acting Deputy Director Approval</b>  (signed by)  MICHAEL S. CUNNINGHAM Program Operations Division	<b>Function:</b> [ ] Information Management [ ] Quality Assurance [ ] Service Delivery [ X ] Fiscal [ ] Administration	Supersedes Bulletin/ADP Letter No.  02-11	

**PURPOSE**

This bulletin clarifies the SAPT HIV Set-Aside expenditure requirements.

**DISCUSSION****Allowable Services**

The State of California is required to expend a minimum and maximum of five percent of each individual SAPT Block Grant award for the HIV Set-Aside. The purpose of the HIV Set-Aside is to provide HIV early intervention services to clients in substance abuse treatment programs. Title 42, United States Code (USC), Section 300x-24 (b) (7) (B) defines early intervention services with respect to HIV disease as:

- (i) appropriate pretest counseling;
- (ii) testing individuals with respect to such disease, including tests to confirm the presence of the disease, tests to diagnose the extent of the deficiency in the immune system, and tests to provide information on appropriate therapeutic measures for preventing and treating the deterioration of the immune system and for preventing and treating conditions arising from the disease;
- (iii) appropriate post-test counseling; and
- (iv) providing the therapeutic measures described in clause (ii).

Please note that if an individual tests positive for HIV, under the above definition of HIV early intervention services, SAPT HIV Set-Aside funds can be used to cover the costs of testing to diagnose the extent of the deficiency in the immune system. In addition, HIV Set-Aside funds can be used to cover the costs of testing to determine the appropriate therapeutic measures for preventing and treating the deterioration of the immune system, as well as the costs of preventing and treating conditions arising from the disease.

SAPT HIV Set-Aside funds may be used to test for infectious diseases, such as



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Hepatitis C, provided that specific requirements are met. These requirements are outlined in ADP Bulletin 02-11 (available at [www.adp.ca.gov](http://www.adp.ca.gov)), which states that HIV Set-Aside funds may be used for infectious disease testing only if all of the following conditions are met:

1. The individual is HIV positive.
2. The treatment program must be receiving funds from the SAPT Block Grant HIV Set-Aside.
3. The individual must be undergoing substance abuse treatment.
4. SAPT Block Grant funds must be the payment of last resort.

HIV Set-Aside funds may also be used to pay for an HIV counselor to attend group alcohol and other drug (AOD) treatment sessions for the purpose of conducting pretest counseling. This would allow the counselor to educate a large number of AOD clients about the HIV early intervention services available and provide information as to when and where these services can be accessed.

### Expenditure Requirements

Early intervention services for HIV disease must be undertaken voluntarily by, and with the informed consent of, each individual client. In addition, accepting such services cannot be a requirement of receiving substance abuse treatment or any other services<sup>1</sup>.

Entities receiving SAPT HIV Set-Aside funds to provide HIV early intervention services are required to establish linkages with a comprehensive community resource network of health and social services organizations<sup>2</sup>. Community collaboration ensures a wide-based knowledge of the services available and can help determine the most appropriate methods and locations for the delivery of HIV early intervention services. These linkages can be accomplished by contracting with county or other public health agencies and private providers for the provision of HIV early intervention services. Such contracts must specify which days and which HIV early intervention services will be available at the substance abuse treatment site.

There has been confusion as to where HIV early intervention services may be provided. While HIV Set-Aside funds must be used to carry out one or more HIV early intervention service projects at the substance abuse treatment site<sup>3</sup>, the code does not require that all HIV early intervention services be delivered at the substance abuse treatment site. HIV early intervention services provided at additional locations, including mobile testing units, may also be funded by the SAPT HIV Set-Aside.

Mobile units used to provide these services must include a substance abuse treatment component. Through contact with the Center for Substance Abuse Treatment, ADP has confirmed that using mobile units to provide HIV early intervention services can be considered a harm reduction and outreach component of substance abuse treatment.

### Additional Requirements

In addition to the requirements specific to the allowable HIV early intervention services,

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<sup>1</sup> Title 42, USC, Section 300x-24 (b) (6) (A) and (B)

<sup>2</sup> Title 45 Code of Federal Regulations (CFR), Section 96.128 (a) (4)

<sup>3</sup> Title 42, USC, Section 300x-24 (b) (1) (A)

expenditures of SAPT HIV Set-Aside funds are required to comply with:

- Title 45 CFR, Section 96.135, which specifies the restrictions on the expenditure of all SAPT funds,
- Title 45 CFR, Section 96.137, which requires that the SAPT Block Grant will be the “payment of last resort,” and that entities will make every reasonable effort, including the establishment of systems for eligibility determination, billing, and collection to collect reimbursement from:
  - 1) Medicaid, Medicare, any state compensation program, other public assistance program for medical expenses, any grant program, private health insurance or benefit program; and
  - 2) Clients based on their ability to pay.

## REFERENCES

Title 42, USC, Sections 300x-24 a and b

Title 45, CFR, Sections 96.121, 96.126, 96.128, 96.131, 96.135, and 96.137

ADP Bulletin 02-11

## HISTORY

Not applicable.

## QUESTIONS/MAINTENANCE

If you have any questions concerning the expenditure requirements for HIV Set-Aside funds, please contact Mr. Brian Winks, Fiscal Policy Analyst, Program and Fiscal Policy Branch, at (916) 327-9431. Additional copies of this document may be requested through the Department’s Resource Center at (800) 879-2772. The bulletin is also available on the Department’s Web page at [www.adp.ca.gov](http://www.adp.ca.gov).

## EXHIBITS

Not applicable.

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